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a circuit board mounted to the axle tube and including a sensor element adapted to activate a rotor, the sensor element located on a vertical line extending from the end edge of the lower polar plate assembly along a direction parallel to a longitudinal axis of the axle tube[, the sensor element having a second mark formed thereon which is aligned with the first mark so as to assure that the sensor element is located on the vertical line].

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3. ~~5.~~ The positioning device according to claim 1, wherein the coil seat has a first mark formed thereon, and the sensor element has a second mark formed thereon which is aligned with the first mark so as to assure that the sensor element is located on the vertical line.

4. ~~6.~~ The positioning device according to claim 3, wherein the circuit board includes a third mark to be aligned with the first mark and the second mark to assure that the sensor element is located on the vertical line.--

REMARKS

Claim 1 has been amended to remove unnecessary limitations which were introduced by the previous amendment. New claim 5 corresponds to original claim 2, which was canceled without prejudice or disclaimer. New claim 6 replaces original claim 4 for proper dependency.

Claims 1, 3 and 4 stand rejected under the judicially created doctrine of double patenting over claims 2-4 of U.S. Patent Application S. N. 08/954,822. A Terminal Disclaimer is submitted herewith to overcome the nonstatutory double patenting ground as U.S. Patent Application S. N. 08/954,822 is commonly

owned by Sunnonwealth Electric Machine Industry Co., Ltd. Accordingly, withdrawal of the rejection is respectfully requested.

In the previous Official Action, claims 1 and 3 stood rejected under 35 U.S.C. 102 as anticipated by Horng (5,093,599). Also, claims 1-4 stood rejected under 35 U.S.C. 103 as unpatentable over Horng in view of Murata (5,010,263). In the Amendment and Response filed April 28, 1999, the Applicant amended claim 1 and traversed the rejections. The Examiner has withdrawn those grounds of rejection.

However, the Applicant respectfully submits that unnecessary limitations were added to claim 1 by that Amendment. Specifically, the limitations of a first mark and a second mark from original claim 2 are considered unnecessary to define of the cited prior art. Specifically, it is respectfully submitted that the limitations of a first mark and a second mark are unnecessary because the cited prior art of Horng and Murata fail to disclose, teach or suggest a sensor element located on a vertical line extending from the end edge of the lower plate assembly along a direction parallel to a longitudinal axis of the axle tube, as recited in claim 1. Accordingly, claim 1 has been amended to remove those limitations and new claim 5 has been added to include a dependent claim reciting the limitations of original claim 2.

In his previous rejections, the Examiner asserted that the integrated circuit (IC) 61 of Horng is "located on a vertical line extending from the end edge of the lower polar plate assembly along a direction parallel to a longitudinal axis of the axle tube." The Applicant respectfully disagrees with such an interpretation. It will be noted that the IC 61 of Horng is not disclosed anywhere in the specification as having any particular position or location relative to the lower polar plate

assembly 4. It is respectfully submitted that Figures 1, 4 and 7 of Horng cannot reasonably be considered to establish any particular vertical alignment of the IC 61 and the lower polar plate assembly 4. Specifically, it will be noted that Figure 1 is an exploded perspective view which does not show the IC 61 along a vertical line from an edge of the lower polar plate assembly 4. To the contrary, it cannot be determined from Figure 1, for example, whether the IC 61 is located radially inwardly or radially outward of the edge of the lower polar plate assembly 4. None of the other Figures of Horng provide any support to the Examiner's assertion. To the contrary, it appears that both Figures 4 and 7 in fact show the IC 61 located radially outward from the lower polar plate assembly 4. As such, it is not possible to have the IC 61 "located on a vertical line extending from the end edge of the lower polar plate assembly (4) along a direction parallel to a longitudinal axis of the axle tube (51)" since such a line would pass inwardly of the IC 61.

Furthermore, as submitted in the previous response, the claimed location of the sensor element according to the present invention is for properly positioning the sensor element to provide high starting torque such that the rotor of the motor used in the miniature fan can be easily activated. To this end, the sensor element is located on a vertical line extending from the end edge of the lower polar plate assembly along a direction parallel to a longitudinal axis of the axial tube, as recited in claim 1.

Horng, on the other hand, is not concerned with the location of a sensing element to provide high starting torque such that the rotor of the motor used in the miniature fan can be easily activated. According to Horng, the starting torque is increased by the air gap between the segmental dents 32, 42 and the permanent magnet 72 of the rotor 7. (col. 2, Ins. 23-27)

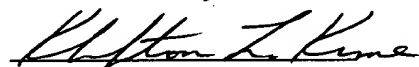
Application No: 08/954,821
Group Art Unit: 3746
Examiner: C. Tyler

It is respectfully submitted that the arguments presented with respect to Horng and Murata in the previous response are still fully applicable with respect to new claim 5, corresponding to original claim 2, and new claim 6, corresponding to original claim 4. Also, it is respectfully submitted that claim 3 is patentable for the reasons argued in the previous response.

Therefore, in view of the amendments to the claims and the foregoing remarks, it is respectfully submitted that all of the claims under consideration are allowable and the application is in condition for allowance. Accordingly, it is respectfully requested that claims 1, 3, 5 and 6 be allowed and the application be passed to issue.

If any issues remain that may be resolved by a telephone or facsimile communication with the Applicant's Attorney, the Examiner is invited to contact the undersigned at the numbers shown below.

Respectfully submitted,



Klifton L. Kime

Registration No. 42,733

BACON & THOMAS, PLLC
625 Slaters Lane - 4th Floor
Alexandria, VA 22314-1176
Telephone: (703) 683-0500
Facsimile: (703) 683-1080
Date: September 2, 1999
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